

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PERMITTING DIVISION**

P. O. Box 1105

Richmond, Virginia 23218

Subject: Water Guidance Memo No. 12-2003 Revision 1
Landowner Agreements for Biosolids Land Application

To: Regional Directors

From: Melanie D. Davenport, Director, Water Permitting Division



Date: October 22, 2018

Copies: Deputy Regional Directors, Regional Water Permit Managers, Regional Water Compliance Managers, James Golden, Neil Zahradka, and Fred Cunningham, DCR, VDH

Summary: This guidance follows submission to the Virginia Register of new VPA and VPDES landowner agreement forms entitled Land Application Agreement – Biosolids and Industrial Residuals, and Land Application Agreement – Biosolids, respectively. It addresses procedures regarding the completion and acceptance of landowner agreements authorizing the land application of biosolids and industrial sludges. The guidance also addresses which revision(s) of the form is appropriate for submittal with permit applications and when new landowner agreements are required. The guidance provides routine procedures following finalization of the 2013 biosolids regulatory action “[Amendment of Regulations Pertaining to Biosolids After Transfer from the Department of Health](#),” as well as procedures for the reissuance of VPA biosolids land application permits.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at: <http://www.deq.virginia.gov/waterguidance/>.

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Contents

I. AUTHORITY 1

II. BACKGROUND 3

A. Basic Principles of Landowner Agreements 4

B. What is the Current Landowner Agreement Form? 5

C. What will be accepted as a “NEW” Landowner Agreement? 5

D. When is a New Landowner Agreement Required? 6

E. Landowner Agreement Consent and Signatory Requirements 7

F. Change of ownership 10

G. Parcels Permitted in Multiple Permits 11

APPENDICES	15
VPA PERMIT APPLICATION FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS	16
PART D-VI: LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS.....	16
Landowner Coordination Form.....	18
Supplement A: Additional Land Application Sites	19
VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM	20
LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS.....	20
Landowner Coordination Form.....	22
Supplement A: Additional Land Application Sites	23
<i>INSTRUCTIONS - LAND APPLICATION AGREEMENT – BIOSOLIDS AND</i> <i>INDUSTRIAL RESIDUALS</i>	<i>24</i>
OBSOLETE: VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION	31
Landowner Coordination Form.....	33
Supplement A: Additional Land Application Sites	34
OBSOLETE: VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM	35
Landowner Coordination Form.....	37
Supplement A: Additional Land Application Sites	38
OBSOLETE: VIRGINIA POLLUTION ABATEMENT APPLICATION	39
PART D-VI BIOSOLIDS APPLICATION AGREEMENT	39
LETTER TO PERMITTEE – LOA NO LONGER VALID.....	40
LETTER TO PERMIT APPLICANT – LOA NOT VALID.....	41

I. Authority

The DEQ is authorized to issue permits for the land application of biosolids in accordance with the Virginia Pollution Abatement (VPA) Permit Regulation, [9VAC25-32-310 through 760](#) and the Virginia Pollutant Discharge Elimination System Permit Regulation, [9VAC25-31-420 through 720](#).

§[62.1-44.19:3](#).A.3. of the Code of Virginia states:

The permit application shall not be complete unless it includes the landowner's written consent to apply sewage sludge on his property.

The VPA Regulation states in Section [9VAC25-32-60](#).D.4.:

No application for a permit to land apply biosolids in accordance with Part IX (9VAC25-32-303 et seq.) of this chapter shall be complete unless it includes the written consent of the landowner to apply biosolids on his property.

The VPDES Regulation states in Section [9VAC25-31-100](#).F.6.:

No application for a permit to land apply biosolids in accordance with Part VI (9VAC25-31-420 et seq.) of this chapter shall be complete unless it includes the written consent of the landowner to apply biosolids on his property.

The VPA Regulation ([9VAC25-32-530](#).B.2) and the VPDES Regulation [9VAC25-31-485](#).B.2) both contain essentially identical specifications for the content of the written agreement:

A written agreement shall be established between the landowner and permit applicant or permit holder to be submitted with the permit application, whereby the landowner shall consent to the application of biosolids on his property. The landowner agreement shall include:

- a. A statement certifying that the landowner is the sole owner or one of multiple owners of the property or properties identified on the landowner agreements;*
- b. A statement certifying that no concurrent agreements are in effect for the fields to be permitted for biosolids application;*
- c. An acknowledgement that the landowner shall notify the permittee when land is sold or ownership transferred;*
- d. An acknowledgement that the landowner shall notify the permittee if any conditions change such that any component of the landowner agreement becomes invalid;*
- e. Permission to allow department staff on the landowner's property to conduct inspections;*
- f. An acknowledgement by the landowner of any site restrictions identified in the regulation;*
- g. An acknowledgement that the landowner has received a biosolids fact sheet approved by the department; and*
- h. An acknowledgement that the landowner shall not remove notification signs placed by the permit holder.*

The VPA and VPDES permit regulations also contain requirements related to updating agreements and providing information on the most current forms.

The VPA Regulation states in Section [9VAC25-32-530](#).B.3.

New landowner agreements using the most current form provided by the board shall be submitted to the department for proposed land application sites identified in each application for issuance or reissuance of a permit or the modification to add land to an existing permit that authorizes the land application of biosolids.

The VPDES Regulation states in Section [9VAC25-31-100](#).Q.9.

If biosolids from the applicant's facility is applied to the land in bulk form and is not subject to subdivision 8 d, e, or f of this subsection, the applicant must provide the following information:

a. Written permission of landowners on the most current form approved by the board.

Both the VPA and VPDES permit regulations contain specific requirements for notifying and obtaining new landowner agreements as part of the transition between the requirements that existed in the regulations prior to September 1, 2013 and the current requirements.

The VPA Regulation states in Section [9VAC25-32-530](#).B.4.

For permits modified in order to incorporate changes to this regulation, the permit holder shall, within 60 days of the effective date of the permit modification, advise the landowner by certified letter of the requirement to provide a new landowner agreement. The letter shall include instructions to the landowner for signing and returning the new landowner agreement, and shall advise the landowner that the permit holder's receipt of such new landowner agreement is required prior to application of biosolids to the landowner's property.

The VPDES Regulation states in Section [9VAC25-31-485](#).B.4.

For permits modified in order to incorporate changes to this chapter, the permit holder shall, within 60 days of the effective date of the permit modification, advise the landowner by certified letter of the requirement to provide a new landowner agreement. The letter shall include instructions to the landowner for signing and returning the new landowner agreement and shall advise the landowner that the permit holder's receipt of such new landowner agreement is required prior to application of biosolids to the landowner's property.

II. Background

The landowner agreement is held between the permit holder that is authorized to land apply biosolids and the owner(s) of the property on which the biosolids will be land applied. The permit holder may be the owner or operator of the wastewater treatment plant (WWTP) that generated the biosolids or a company or individual who has contracted with the owner or operator of the WWTP to land apply the biosolids.

Since DEQ began issuing VPA biosolids permits in 2008, issues have arisen regarding landowner agreements. The State Water Control Board (SWCB) expressed their concern regarding errors that were being found following several public hearings held on draft permits. Some of the problems encountered included:

- missing landowner signatures, such as a spouse's signature where there is joint ownership;
- change in ownership after the landowner agreement form was signed due to sale, inheritance or transfer to a trust, often on old landowner agreement forms that were signed prior to the previous permit issuance; and
- confusion regarding signatures and ownership where, for example, a father and son have the same or similar names

The Board, as well as members of the public also expressed concern regarding how future landowners would be made aware of access restrictions or site management requirements which may still be in effect following the sale of a field(s) on which biosolids has been applied. In June 2010, the Board voted to include a special condition in permits authorizing the land application of biosolids to address the transfer of land:

In the event that land upon which biosolids has been applied changes ownership within 38 months of the date of land application, the permit holder shall notify the new landowner of the public access and crop management restrictions and the dates and amounts of biosolids land application. This notification, including notice to DEQ, shall occur within 90 days of the change in landownership and no later than 2 weeks following the permit holder becoming aware of the change in ownership.

Based on citizen concerns that landowners were not informed about the nature of biosolids, the Board also required that the landowner receive a Biosolids Fact Sheet and acknowledge receipt of the fact sheet on the landowner agreement.

At that time, the Board also expressed concern about the need to incorporate the revised regulatory language into existing permits after the 2013 regulatory amendments became final. In June 2010 the Board changed the word "may" in the reopener statement *The Board may modify or revoke and reissue*, to "will" as follows:

The Board will modify or revoke and reissue this permit as appropriate and necessary to incorporate changes to any applicable standard or requirement for the use or disposal of biosolids, industrial wastewater sludge, or septage promulgated under Section 405(d) of the Clean Water Act, State Water Control Law, or the VPA Permit Regulation (9VAC25-32).

The landowner agreement forms entitled *Land Application Agreement – Biosolids and Industrial Residual*, which is Part D-VI of the *VPA Permit application and Land Application Agreement – Biosolids*, which is attached to Section C of the *VA Sewage Sludge Permit Application Form*, were modified and submitted to the Virginia Register and became effective on 9/19/2012. The forms were modified to include information that DEQ anticipated would be required in the amended regulation. The amended forms, Revision 9/14/2012, were considered to be the “current forms approved by the Board” until October 15, 2018.

DEQ modified the form on October 15, 2018 to include the landowner’s phone number (required by [9VAC25-32-60.F.2.d.\(8\)](#) and [9VAC25-31-100.Q.9.d.\(8\)](#)) and to clarify the form where persons authorized to sign for the legal landowner were providing signature.

III. Landowner Agreements

A. Basic Principles of Landowner Agreements

1. A landowner is an individual or an entity that owns land. For purposes of the herein discussed landowner agreements, landownership is demonstrated through deed documents recorded in the real property records of the city or county in which the land is located.
2. Each landowner identified on a deed must consent to the land application of biosolids, wastes, residuals and/or other sludges on his/her land, and sign and submit a landowner agreement form.
3. While deed documents provide legal evidence of the ownership of a parcel, permit applicants and DEQ staff often use online Geographic Information System (GIS) databases maintained by the locality to ascertain the identity of property owners. While GIS databases are appropriate tools to use in acquiring landowner agreements, discrepancies may exist between a recorded plat and the locality’s GIS map. If a landowner asserts that the property boundaries represented on the locality’s GIS map are incorrect, the permit applicant should do the following:
 - a. Contact the locality and request written confirmation of the landowner’s assertions regarding the property boundaries, and submit the locality’s confirmation with the landowner agreement.
 - b. If the locality does not provide written confirmation, the permit applicant should:
 - i. obtain a copy of a plat from the landowner (if available);
 - ii. mark up a copy of the locality’s GIS map with the corrected boundaries; and
 - iii. obtain a written statement from the landowners on each side of the disputed boundary that the boundaries are correct as marked on the annotated GIS map.
 - iv. Submit the plat, annotated GIS map, and landowners’ statements with the landowner agreement.

4. DEQ only considers whether or not a signed landowner agreement is current or new at the time a permit applicant submits the agreement with an application to issue or reissue a permit, modify a permit to add land or document a change of ownership.
5. Once a landowner agreement is signed and submitted and the land identified therein is authorized for land application under a VPDES or VPA permit, that agreement will remain in effect until:
 - a. landownership changes;
 - b. any information in the landowner agreement becomes invalid; the permit is modified or reissued to incorporate the regulatory changes, and notice has been sent to the landowner(s) informing him that biosolids will not be applied on his land until a new landowner agreement is submitted; or
 - c. The agreement is terminated in writing by the landowner or the permittee.
5. DEQ will only accept a complete Land Application Agreement form with original signatures on pages 1 and 2 and Supplement A, if used. A complete form has all requested information provided (i.e. no blanks).

B. What is the Current Landowner Agreement Form?

The Land Application Agreement Forms (VPA and VPDES Rev. 6/11/2018), which were submitted to the Virginia Register on September 11, 2018, are presented in the Appendices. These forms are, as defined in the regulatory amendments, the current form approved by the Board. Any landowner agreement signed and dated after November 14, 2018 must utilize the Rev. 6/11/2018b forms. Note that a 30 day grace period after the posting date is included.

Forms dated earlier than Rev. 6/11/2018b are considered current only if the earlier form was the most current form approved by the board at the time of signature. Earlier versions of the form are included in Appendix II.

C. What will be accepted as a “NEW” Landowner Agreement?

A signed Land Application Agreement form submitted with a permit application to issue, reissue or modify a permit is considered to be “new” if:

- 1) it is on the most current form approved by the board, as of the date it was signed¹;
- 2) all the information provided on the form is valid; and
- 3) the signed Land Application Agreement will be less than 10 years old on the expected effective date of the permit issuance, reissuance or modification.

Note that with respect to item 3, the permit writer may not know the new effective date of a permit at the time the application is deemed technically

¹ The acceptance of landowner agreements that are less than 10 years old and signed on or prior to 10/19/2012 on forms other than the Revision 9/14/2012 form will be considered case-by-case, based on content of the form.

complete due to delays associated with the public notice process. In these cases, the permit writer will use as the effective date either the expiration date of the permit, or 180 days from the date the permit is deemed technically complete, whichever is sooner.

A new landowner agreement submitted as a result of change of ownership must be signed and dated after the land transfer is complete.

As noted above in Section B. the Rev. 6/11/2018 Land Application Agreement forms are the current forms approved by the board as of September 11, 2018. These forms become part of the permit application and must be used. Any form signed after 10/19/2012 must be the 9/14/2012 version or the 6/11/2018 version, and any form signed after November 14, 2018 must be the 6/11/2018 version.

D. When is a New Landowner Agreement Required?

1. New landowner agreements are required in the following circumstances:
 - a. DEQ receives an application for a new permit that authorizes the land application of biosolids, water treatment plant residuals and/or industrial sludges (including all first time VPA permits to replace BUR permits).
 - b. DEQ receives an application for a permit modification to add land, in which case new Landowner Agreement forms are required only for the land to be added. Following any permit modification that incorporates the 2013 regulatory amendments for the first time, whether initiated by DEQ or the permittee, the permit writer will include a special condition in the modified permit requiring permit holders to:
 - i. notify landowners within 60 days of the need to update landowner agreements for parcels previously permitted for land application, if the landowner agreements are not current; and
 - ii. obtain landowner signatures on the current landowner agreement form prior to any further land application on parcels previously approved for land application.; and
 - iii. submit the new landowner agreements to DEQ prior to land application at the sites or the form must be available on site at the time of land application. If the form is not submitted to DEQ prior to land application, it must be submitted to DEQ with the monthly report associated with the land application activity.

- c. DEQ receives an application for reissuance of a permit that authorizes the land application of biosolids, water treatment plant residuals and/or industrial sludges, for all of the land in the permit application, new and previously permitted.
 - i. If a landowner agreement for previously permitted sites is on a form prior to 9/14/2012, or will be greater than 10 years old on the expected effective date of the reissuance, the permit writer will insert a special condition in the reissued permit requiring submittal of a new and current form prior to land application.
 - ii. If a permit is reissued that contains the special condition noted in 1.b. above, and not all of the new landowner agreements have been submitted, the original notification dates (based on the modification date of the permit to conform with the 2013 regulation) will remain in the special condition, and the permit writer will include a special condition in the reissued permit requiring submittal of a new form prior to land application.
2. Life of the Permit - A landowner agreement that is accepted with the permit application to issue or reissue a permit may remain in effect for the term of that permit if there are no changes in ownership of the land or information on the landowner agreement.

During the term of an active permit, permit holders must submit new landowner agreements to DEQ prior to further land application on specific land approved for biosolids application in the event that :

- i. ownership of that land changes;
- ii. any information in the landowner agreement is no longer correct, rendering it invalid; or
- iii. the permittee wishes to apply a type of residual to a site where the existing landowner agreement does not authorize such a type of residual.

E. Landowner Agreement Consent and Signatory Requirements

The request to include land in a biosolids permit may be made at the time of initial permit application or through a subsequent modification request to add land to an existing permit. A signed landowner agreement(s) is required for each parcel/field/property identified in Attachment A of the Permit application and must be submitted with the permit application or request to add land. The landowner agreement must be on the appropriate form(s) as described above and contain the signatures of each landowner, or it is not considered to be a valid landowner agreement. DEQ must obtain the landowner agreement with original signatures of the landowner and the permittee's authorized representative.

Water Guidance Memo No. 12-2003, Revision 1
Landowner Agreements for Biosolids Land Application

The landowner agreement may authorize land application on a single field or an entire farm that includes multiple fields or parcels of land. The County Tax Parcel Identification Number must be included on the form for each parcel that will be authorized to receive biosolids. A copy of the County Tax Map showing that parcel(s) must also be provided with the landowner agreement.

The landowner may be an individual, a group of individuals, referred to here as multiple owners, or an entity such as a trust or corporation. Where a group of individuals owns a property, each of the individuals must sign a landowner agreement. Multiple owners may include husband and wife, siblings, other family members, or any individuals who jointly own the property and are not members of a legal entity, etc. If any owner has given power of attorney or signatory authority to another, whether it is one of the co-owners, a relative or a third party, acknowledgement that the party is signing for another party must be indicated on the form. Where an entity such as an LLC or corporation owns the property to be included in the permit, the signatory requirements of [9 VAC 25-31-110.B](#) or [9 VAC 25-32-70\(2\)](#), as applicable, must be met.

In many situations, records documenting ownership or signatory authority may be found in public records, such as with deeds and corporate filings. However, there are other situations where specific documentation of signatory authority is required. Trusts identifying trustees, memoranda identifying authorities of a representative or attorneys-in-fact (Power of Attorney) and probate filings identifying executors of estates are common examples of legal transactions and process where documentation may not be publicly available and presentation of the original documents giving signatory authority is required when signing in the capacity of the trustee, attorney-in-fact or executor. Documentation that the permit applicant may choose to review for these cases include:

1. The original trust or memorandum of trust or a notarized copy of the trust;
2. The original notarized Power of Attorney; or
3. The original court document approving the person(s) as executor.
Note that a Last Will and Testament requesting the assignment of an executor is not the same as a document from the court approving the executor.

By checking the appropriate box on the Land Application Agreement form, the signatory acknowledges that he has the appropriate authority to either sign for the landowner or sign on behalf of a legal entity.

The landowner agreement must be signed by the individual(s) with signatory authority, signing his own name and indicating his signatory authority; e.g. *John Smith*, Power of Attorney for Robert Doe; *John Smith*, Executor Robert Doe Estate; or *John Smith*, Trustee, Robert Doe Trust.

DEQ inspectors and permit writers may request to inspect the signatory authority documents at any time. No copy of the pages from the trust, power of attorney or executor assignment will be retained by DEQ staff or placed in DEQ files. Staff observation of this instruction is important to preclude DEQ's collection of personal records and potential requirements for disclosure pursuant to FOIA.

When DEQ requests signatory documentation, a reasonable time must be allowed for the permittee to obtain these documents. If there is question regarding signatory authority of a person who signed the landowner agreement, land application shall not take place on the sites identified on that landowner agreement until proper documentation is provided.

If any landowner agreement is found to have incorrect information or be incomplete or improperly signed during the permitting/modification process, the land applier will be given the opportunity to obtain the proper signatures prior to issuing the permit. Any landowner agreement that DEQ knows to have incorrect information or be incomplete or improperly signed at the time of permit issuance or modification will be considered invalid and those parcels identified in that landowner agreement shall not be included in the permit and will not be accounted for in the total permitted acreage. Those sites identified in the invalid landowner agreement will need to be added to the permit at a future date in order to be eligible to receive biosolids.

If a landowner agreement is found to have incorrect information or be incomplete or improperly signed after permit issuance, the parcel(s) of land identified in that landowner agreement shall be ineligible to receive biosolids until a corrected landowner agreement is submitted to DEQ. If the correction involves obtaining the signature of an additional landowner, and that landowner objects to the land application of biosolids on the parcel(s), then the parcel(s) shall be struck from Attachment A of the permit and the landowner agreement and Landowner Coordination Forms as appropriate. The parcel(s) may be added back to the permit through a permit modification if subsequent landowner authorization is obtained. DEQ staff shall adjust the originally permitted acreage to reflect the deletion of the parcel(s) affected.

When using the new Land Application Agreement form for land with multiple owners, each owner must sign a separate form, and the Landowner Coordination Form is required. This form serves as a master list of all owners associated with specific properties. When the statement "I am one of multiple owners of the properties identified herein" is checked on Page 1 of the Land Application Agreement form, the permit holder shall submit a completed Landowner Coordination Form with each of the associated landowner agreements attached. Note that the Landowner Coordination Form does not require signatures, only a listing of the multiple owners.

The permit writer may waive the requirement for the Landowner Coordination form if identical information is provided in a similar format in the permit application.

F. Change of ownership

There are various configurations of ownership change that may take place. A sole owner may get married and add his spouse as a co-owner; or one of many co-owners may sell his interest in the property to one of the existing co-owners or to an unrelated third party; or an entity may sell a portion of the land, etc.

If all of the property identified on a landowner agreement changes ownership, via sale, transfer or inheritance, etc., all of the property would no longer be authorized to receive biosolids.

If one of many parcels on a landowner agreement changes ownership, then only the one parcel affected by the change of ownership would no longer be authorized to receive biosolids. If a new owner is added to the deed for any reason (sale, marriage, inheritance, etc.), a new Land Application Agreement form (pages 1 and 2) must be signed by the new owners and submitted by the new owners prior to any further land application of biosolids. The permit holder must update the Landowner Coordination Form to include the new owner.

If one of multiple landowners dies, a new Land Application Agreement form (pages 1 and 2) must be signed and submitted by each executor or beneficiary of the deceased prior to any future land application of biosolids. The exception to this would be if joint owner is a spouse, in which case the property would automatically go to the surviving spouse in most cases. In either event, the permit holder must update the Landowner Coordination Form to exclude the deceased and include any new owner(s). If an executor(s) administering the estate has signed a landowner agreement authorizing land application, but he is not an heir or he is not the only heir, this entire process must be repeated once the estate is settled and the land has been distributed to the heir(s). After settlement, if one or all of the heirs do not agree to land application of biosolids, biosolids may no longer be applied on the property. The permit holder must strike the property from Attachment A of the permit and the landowner agreement and Landowner Coordination Forms as appropriate.

The above examples are just a few of the situations that may be encountered. In general, if ownership of a property changes, the landowner agreement is no longer valid and the property in question is no longer authorized to receive biosolids until new Land Application Agreement forms are signed by the new owners. The exception to the general statement is the case where a co-owner dies and that co-owner's interest in the property is transferred to the remaining owner(s), or the co-owner sells or

transfers his interest in the property to the other existing owner(s).

All owners of a property must authorize the land application of biosolids and provide signature(s) on the Land Application Agreement form. The table below identifies various scenarios that may be encountered, how the ownership change affects the validity of the landowner agreement, and the actions required in order to continue the land application of biosolids at the properties involved.

G. Parcels Permitted in Multiple Permits

DEQ may find that a landowner agreement submitted with a permit application includes land (sites, fields, tax parcels) that is already authorized for the land application of biosolids under another permit. When signing the Land Application Agreement form, the landowner is stating that he/she has no other agreements for land application on the fields identified in the landowner agreement. Therefore, any previous landowner agreements held with other permitted land application contractors are required to be terminated, in writing, prior to signing the new Land Application Agreement form.

When a permit application or request to add land is submitted, and that land is already included in another permit held by a different contractor, a copy of the notice that the landowner sent to the original contractor terminating that landowner agreement shall be submitted with the new landowner agreement. Upon receipt of this landowner agreement and termination notice, the permit writer will send notice to the original permittee. The notice shall inform the original permittee that a permit application and landowner agreement termination notice has been received by the DEQ Regional Office for land which was included in the original permittee's permit and that biosolids may no longer be applied under that permit. A letter template is attached in the Appendices.

However, there may still be cases where a landowner agreement submitted with a permit application is found to include land that is already authorized for the land application of biosolids under an existing permit, but no termination notice is submitted. In this situation, the permit writer will send notice to the permit applicant or permittee requesting to add land, notifying him that there is an existing contract on the fields and therefore the landowner agreement submitted with the application is not valid. In order for the land to be included in or added to the permit, DEQ must receive: 1) a copy of a letter sent from the landowner to the original permittee terminating the existing landowner agreement; and 2) a new Land Application Agreement form with a date that is later than the date of the termination letter. A letter template is attached in the Appendices. The permit writer will also send a copy of this notice to the land applier that holds the original agreement.

Water Guidance Memo No. 12-2003, Revision 1
Landowner Agreements for Biosolids Land Application

Once a termination notice is received, the land will not be authorized to receive biosolids under the original permit as long as that permittee does not hold a valid landowner agreement with that landowner. However, the fields will not be struck from Attachment A in the permit, because they have been through all the required notification procedures and were in full compliance at the time of permitting. In the event that the landowner chooses to contract with the original contractor in the future, a permit modification will not be required to reauthorize the land for land application.

When a permit reissuance application is being processed, and the application contains parcels whose current landowner agreements are included in another permit, it is not necessary for the permit applicant to obtain a termination form from the landowner related to the other permit. As long as the landowner agreement was valid when it was signed, the landowner agreement may be used for the purposes of reissuance. The land application fields in the parcel affected will be included in an Attachment A.1. list in the permit requiring a new landowner agreement form and termination letter to be submitted prior to land application at those fields.

Landowner agreements and availability of land to a permittee will be tracked in the DEQ Biosolids GIS Database. As more shape files are entered into the GIS database and DEQ control numbers are assigned, the permit writer or inspector entering a field into the system will more easily recognize sites that are already permitted.

Water Guidance Memo No. 12-2003, Revision 1

Landowner Agreements for Biosolids Land Application – TABLE: Signatory Requirements following Sale or Transfer

<u>Owner Type</u>	<u>Sale or Transfer Conditions*</u>	<u>Status of Landowner Agreement</u>	<u>Requirements**</u>
Sole owner	All Property sold or transferred; Or Landowner dies, property transferred to heir(s) or estate	<ul style="list-style-type: none"> ▪ Existing landowner agreement is no longer valid; ▪ Biosolids may not be land applied 	<ol style="list-style-type: none"> 1. If property is sold or transferred within 38 months of biosolids land application, the original landowner must notify new landowner of site access restrictions. 2. If new landowner wishes to receive biosolids, new Land Application Agreement Form pages 1 & 2 must be completed and signed by each landowner.*
Sole owner	Portion of the property is sold or transferred, may be the result of divorce, sale, etc	<ul style="list-style-type: none"> ▪ Existing landowner agreement remains in effect for the property not sold or transferred; ▪ The parcel(s) that has been sold or transferred is no longer eligible to receive biosolids under this agreement. 	<ol style="list-style-type: none"> 1. If property is sold or transferred within 38 months of biosolids land application, the original landowner must notify new landowner of site access restrictions. 2. Permit holder to update the existing landowner agreement: line through and date parcels that have been sold. Include documentation, such as signed letter from landowner stating he no longer owns certain parcels. 3. If new landowner wishes to receive biosolids, new Land Application Agreement Form pages 1 & 2 must be completed and signed.*
Sole owner	One or more names added to deed, perhaps as a result of marriage or including children on deed, etc.	<ul style="list-style-type: none"> ▪ Existing landowner agreement is no longer valid as is. ▪ Biosolids may not be land applied 	<ol style="list-style-type: none"> 1. If new landowner does not agree to accept biosolids: <ol style="list-style-type: none"> a. Biosolids may not be applied; b. The original landowner must inform new landowner(s) of site access restrictions if biosolids were land applied in the past 38 months. 2. If new landowner agrees to receive biosolids <ol style="list-style-type: none"> a. New Land Application Agreement Form pages 1 & 2 must be completed and signed; b. Permit holder must complete a Landowner Coordination Form
Multiple owners OR Entity	All Property sold to 3rd party OR All landowners die, property transferred to heir(s) or estate	<ul style="list-style-type: none"> ▪ Existing landowner agreement is no longer valid. ▪ Biosolids may not be land applied 	<ol style="list-style-type: none"> 1. If property is sold or transferred within 38 months of biosolids land application, the original landowner must notify new landowner of site access restrictions. 2. If new landowner(s) wishes to receive biosolids, new Land Application Agreement Form pages 1 & 2 must be completed and signed by each landowner.*

Landowner Agreements for Biosolids Land Application – TABLE: Signatory Requirements following Sale or Transfer

<u>Owner Type</u>	<u>Sale or Transfer Conditions*</u>	<u>Status of Landowner Agreement</u>	<u>Requirements**</u>
Multiple owners	One landowner sells his interest to a 3 rd party OR One landowner dies, his interest in the property is transferred to heir(s) or estate OR A new person buys in on the property	<ul style="list-style-type: none"> ▪ Existing landowner agreement is no longer valid as is ▪ Biosolids may not be land applied 	<ol style="list-style-type: none"> 1. If new landowner(s) does not agree to accept biosolids: <ol style="list-style-type: none"> a. Biosolids may not be applied; b. The original landowner must inform new landowner(s) of site access restrictions if biosolids were land applied in the past 38 months. 2. If new landowner agrees to receive biosolids <ol style="list-style-type: none"> a. New Land Application Agreement Form pages 1 & 2 must be completed and signed; b. Permit holder must update the Landowner Coordination Form
Multiple owners	One landowner sells his interest to one or all of the existing co-owners OR If one owner dies and bequeaths his interest to existing co-owner(s)	<ul style="list-style-type: none"> ▪ Existing landowner agreement remains in effect 	<ol style="list-style-type: none"> 1. Include documentation with the landowner agreement that the original co-owner sold the property or passed away. 2. Permit holder must update Landowner Coordination form to reflect loss of an owner
Multiple owners or Entity	Portion of the property sold to 3 rd party, could be direct sale or transfer due to divorce, etc.	<ul style="list-style-type: none"> ▪ Existing landowner agreement remains in effect for the property not sold or transferred. ▪ The property that has been sold is no longer eligible to receive biosolids under this agreement. 	<ol style="list-style-type: none"> 1. If property is sold or transferred within 38 months of biosolids land application, the original landowner must notify new landowner of site access restrictions 2. Permit holder must update the Landowner Coordination Form and include documentation with the existing Landowner Agreement identifying the land that has been sold. 3. If new landowner wishes to receive biosolids on the separated parcel, a new Land Application Agreement must be completed and signed.*

* The term “property” as used in this table refers to land that has been authorized to receive biosolids by a VPDES or VPA permit.

**Anytime a property is owned by two or more people, the permit holder must use a Landowner Coordination Form. It is to be used as a cover page to assemble all of the landowner agreements for property under common ownership.

APPENDICES

Virginia Pollution Abatement Permit Application Form Part D-VI (rev 6/11/2018b):

Land Application Agreement - Biosolids And Industrial Residuals
Landowner Coordination Form
Supplement A: Additional Land Application Sites

Virginia Pollutant Discharge Elimination System Permit Application Form Part C (rev 6/11/2018):

Land Application Agreement - Biosolids And Industrial Residuals
Landowner Coordination Form
Supplement A: Additional Land Application Sites

Virginia Pollution Abatement Application Part D-VI and VPDES Sewage Sludge Permit Application Form - Land Application Agreement – Biosolids And Industrial Residuals – Instructions (rev 6/11/2018)

Virginia Pollution Abatement Permit Application Form Part D-VI (rev 9/14/2012) - Obsolete:

Land Application Agreement - Biosolids And Industrial Residuals
Landowner Coordination Form
Supplement A: Additional Land Application Sites

Virginia Pollutant Discharge Elimination System Permit Application Form Part C (rev 9/14/2012) - Obsolete:

Land Application Agreement - Biosolids
Landowner Coordination Form
Supplement A: Additional Land Application Sites

Part D-VI Biosolids Application Agreement (rev 4/2009) - Obsolete

Notice to Existing Permittee: Landowner Agreement No Longer Valid

Notice to Permit Applicant: Landowner Agreement Not Valid

VPA PERMIT APPLICATION FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS

PART D-VI: LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS

A. This land application agreement is made on _____ between _____ referred to here as "Landowner", and _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) with county documentation identifying owners, attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges			
<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>

Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

Check one: The Landowner is the sole owner of the properties identified herein.
 The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

1. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
2. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply residuals as specified below, on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of permitted residuals for the purpose of determining compliance with regulatory requirements applicable to such application.

<u>Class B biosolids</u>	<u>Water treatment residuals</u>	<u>Food processing waste</u>	<u>Other industrial sludges</u>
<input type="checkbox"/> Yes <input type="checkbox"/> No			

Printed name _____	Mailing Address _____	Landowner Signature
By: Title*	Phone No.	
* <input type="checkbox"/> I certify that I have authority to sign for the landowner as indicated by my title as Executor, Trustee or Power of attorney, etc.		
* <input type="checkbox"/> I certify that I am a responsible official [or officer] authorized to act on behalf of the corporation, partnership, proprietorship, LLC, municipality, state or federal agency, etc.		

Permittee:

_____, the Permittee, agrees to apply biosolids and/or industrial residuals on the Landowner's land in the manner authorized by the VPA Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with [§10.1-104.2 of the Code of Virginia](#).

The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

Printed name _____	Mailing Address _____	Permittee- Authorized Representative Signature
Title	Phone No.	

VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION: PART D-VI LAND APPLICATION AGREEMENT

Permittee: _____ County or City: _____

Landowner: _____

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

1. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.
2. Public Access
 - a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
 - b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
 - c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.
3. Crop Restrictions:
 - a. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
 - b. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
 - c. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
 - d. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
 - e. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).
4. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

 - a. Meat producing livestock shall not be grazed for 30 days,
 - b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
 - c. Other animals shall be restricted from grazing for 30 days;
5. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;
6. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

Landowner's Signature

Date

VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM

LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS

A. This land application agreement is made on _____ between _____ referred to here as "Landowner", and _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) with county documentation identifying owners, attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges			
<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>

Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

Check one: The Landowner is the sole owner of the properties identified herein.
 The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

3. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
4. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply residuals as specified below, on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of permitted residuals for the purpose of determining compliance with regulatory requirements applicable to such application.

<u>Class B biosolids</u>	<u>Water treatment residuals</u>	<u>Food processing waste</u>	<u>Other industrial sludges</u>
<input type="checkbox"/> Yes <input type="checkbox"/> No			

Printed name _____	Mailing Address _____	Landowner Signature
By: Title*	Phone No.	
* <input type="checkbox"/> I certify that I have authority to sign for the landowner as indicated by my title as Executor, Trustee or Power of attorney, etc.		
* <input type="checkbox"/> I certify that I am a responsible official [or officer] authorized to act on behalf of the corporation, partnership, proprietorship, LLC, municipality, state or federal agency, etc.		

Permittee:

_____, the Permittee, agrees to apply biosolids and/or industrial residuals on the Landowner's land in the manner authorized by the VPA Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with [§10.1-104.2 of the Code of Virginia](#). The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

Printed name _____	Mailing Address _____	Permittee- Authorized Representative Signature
Title	Phone No.	

VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM

Permittee: _____ County or City: _____

Landowner: _____

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

7. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.
8. Public Access
 - a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
 - b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
 - c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.
9. Crop Restrictions:
 - f. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
 - g. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
 - h. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
 - i. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
 - j. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).
10. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

 - a. Meat producing livestock shall not be grazed for 30 days,
 - b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
 - c. Other animals shall be restricted from grazing for 30 days;
11. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;
12. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

Landowner's Signature

Date

**VIRGINIA POLLUTION ABATEMENT APPLICATION PART D-VI:
AND
VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM**

INSTRUCTIONS - LAND APPLICATION AGREEMENT – BIOSOLIDS AND INDUSTRIAL RESIDUALS

- A. The permit applicant or permittee requesting to add land to a permit shall submit a landowner agreement form for each landowner as follows:
1. For land application sites with a sole landowner, i.e. only one landowner name is recorded on the deed, submit Pages 1 and 2 of the **Part D-VI Biosolids Application Agreement**.
 2. For land application sites with multiple landowners submit Pages 1 and 2 of the **Part D-VI Biosolids Application Agreement** for each land owner recorded on the deed.
 3. Once all landowner agreements are obtained, the Permittee shall complete the “Landowner Coordination Form.” Complete this form as specified below. (a) through (d) refer to the form presented on page 8 of 9. NOTE: this form does not require landowner signatures.
 - (a) Provide the name of the Permittee.
 - (b) Provide the name of the county or city in which land application is proposed.
 - (c) List tax parcels – tax parcels under common ownership may be listed together
 - (d) For each tax parcel or group of tax parcels under common ownership recorded in (c), identify the landowner(s).
 4. For any land that has an existing landowner agreement with another permitted contractor, submit a copy of the letter from the landowner to that original permitted contractor either:
 - a. Terminating the existing landowner agreement*
 - or
 - b. Asking to be removed from the original permit.*

* If the original landowner agreement (LOA) is terminated, the sites identified in the LOA are not removed from the permit held by the original contractor, only the landowner agreement has become invalid. The sites remain in the land base of the original permit, therefore if at a future date the landowner wishes to receive biosolids from the original contractor, he would only need to terminate the existing LOA and sign a new LOA with the original contractor.

However, if the sites are removed from the original permit, if at a future date the landowner wishes to receive biosolids from the original contractor, in addition to terminating and signing new LOAs, the original contractor’s permit would require a permit modification to add the landowner’s land prior to any future land application of biosolids on that land.

B. Completing Form D-VI

Page 1 of 2:

- (1) Provide the date on which the agreement is signed.
- (2) Provide the name of the individual landowner signing this form or the name of the trust, estate, corporation, partnership, LLC or other entity that owns the property.
 - a. If there are multiple landowners, each landowner **must** complete and sign his/her own form.
 - b. The person identified as the owner and signing the form must be either the legal sole owner or one of multiple owners of **all** the tax parcels identified on the form.
- (3) Provide the legal name of the entity that will hold the land application permit (Company, Municipality, Authority, etc.)

LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS - INSTRUCTIONS

- (4) Provide the name of the county or city in which the sites are located.
- (5) Provide the County/City Tax Parcel ID for each parcel that includes land application sites. A parcel may contain more than one "field".
 - a. If a "field" is located in 2 or more parcels, provide the Tax Parcel IDs for all parcels.
 - b. If the entire "farm" is to be permitted, identify all tax parcels that make up the farm.
 - c. If any parcel of the farm or site proposed for land application in one county is located across the county border, that parcel must be included in a separate permit issued for land application in the other county.

Tax maps identifying each of the parcels proposed for inclusion in the permit, with associated documentation identifying landowners, referred to as Exhibit A on the Landowner Agreement Form must meet the following minimum standard:

- The maps must be legible. The tax parcel ID must be in focus and large enough to read on the map provided with the application;
 - Each parcel identified on the Landowner Agreement must be clearly identified on the map as a parcel of interest in a manner that distinguishes it from surrounding parcels. E.g. outlined, highlighted, etc
 - Provide a copy of the county record identifying the owner(s) of each parcel. This may be from the county GIS or other hardcopy records used to obtain the tax parcel maps.
- (6) If more than 12 parcels under ownership of the individual landowner signing this form are proposed to receive biosolids, place a check in the box to indicate that more parcels are identified on Supplement A.
 - (7) Check one box to indicate whether the person signing the form is the only owner of record, or one of two or more owners of record for the properties identified in **Table 1: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges** and in **Exhibit A**.

A landowner of record is each person identified or referenced on the deed. Multiple owners may include husband and wife, brothers and sisters, other relatives, or people, etc. If a deed identifies owners as, for example, Mr. Smith et ux (and wife) or Mr. Smith et al (and others), a landowner agreement must be completed by Mr. Smith and his wife, or Mr. Smith and all other owners, respectively.

If the parcel is owned by a legal entity such as a corporation, partnership, proprietorship, LLC, etc, the legal entity is considered to be a sole owner.

- (8) Check "yes" or "no" for each type of residual to indicate the type of products the landowner authorizes to be land applied on the property. Options are Class b biosolids; Water treatment residuals; Food processing waste; and Other industrial sludges.
- (9) Print or type the legal name of the landowner represented on this form, including suffixes (e.g. Jr, III, etc). This will be the name of the sole landowner, the name of one of multiple landowners, or the name of a trust, estate, corporation, LLC, etc.

Estates and Trusts: Print the name of the Estate or Trust as the landowner and print the name of the executor or trustee who will be signing next to "by:" at the bottom of the cell.

Power of Attorney: Print the landowner's name and print the name of the person with power of attorney next to "by:" at the bottom of the cell.

Corporation, Partnership, LLC, etc: Print the name of the Corporation, Partnership, LLC, etc. as the landowner and print the name of the responsible official who will sign the agreement next to "by:" at the bottom of the cell.

LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS - INSTRUCTIONS

- (10) Provide the title under which the person has signatory authority to sign the agreement, such as executor, trustee, power of attorney (POA), president, general partner, managing member, etc.
- (11) Provide the mailing address of the landowner.
- (12) Provide the telephone number of the landowner.
- (13) Provide original signature of the landowner or person identified as authorized to sign for the landowner.

Use check box (14) or (15) only if the person who signs this agreement is a representative of the landowner.

- (14) If the person who signs this form is an executor, trustee, or has power of attorney, etc., he or she must check this box certifying that he or she does have authority to represent the landowner as a trustee or executor or has power of attorney, or other signatory authority or control of the property. Checking this box does not supersede the responsibility of the permit applicant to review the document assigning signatory authority to an executor or trustee, or for POA.
- (15) When a person signs as an executive officer or duly authorized representative of a corporation, partnership, proprietorship, LLC, municipality or state or federal agency, he or she must check this box certifying that he or she does have signatory authority to represent the legal entity.
- (16) Provide the name of the permit holder.
- (17) Provide the name of the person representing the permit holder, the person's title, mailing address, telephone number where he or she can be reached and signature.

Page 2 of 2:

- (18) Provide the legal name of the entity that will hold the permit – the same as provided in (16)
- (19) Provide the name of the county or city in which the sites are located – same as provided in (4)
- (20) Provide the printed name of the landowner signing this form – same as in (9)
- (21) Provide the Landowner's original signature as in (9) and date.

Supplement A

- (1) Provide the legal name of the entity that will hold the permit – the same as provided in (10) above
- (2) Provide the name of the county or city in which the sites are located – same as provided in (4) above
- (3) Provide the printed name of the landowner signing this form – same as provided in (9) above
- (4) Provide the County/City Tax Parcel ID for each parcel that includes land application sites. A parcel may contain more than one "field". If a "field" is located in 2 or more parcels, provide the Tax Parcel ID for all parcels
- (5) Print or type the landowner's legal name, including suffixes (e.g. Jr, III, etc) and mailing address. Provide an original signature as required in (9) above.

LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS - INSTRUCTIONS

Permittee: _____ (18) County or City: _____ (19)

Landowner: _____ (20)

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

13. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.

14. Public Access

- a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
- b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
- c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.

15. Crop Restrictions:

- k. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
- l. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
- m. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
- n. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
- o. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).

16. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

- a. Meat producing livestock shall not be grazed for 30 days,
- b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
- c. Other animals shall be restricted from grazing for 30 days;

17. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;

18. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

(21) _____
Landowner's Signature Date

**OBSOLETE: VIRGINIA POLLUTION ABATEMENT PERMIT APPLICATION
FORM D: MUNICIPAL EFFLUENT AND BIOSOLIDS**

PART D-VI: LAND APPLICATION AGREEMENT - BIOSOLIDS AND INDUSTRIAL RESIDUALS

A. This land application agreement is made on _____ between _____ referred to here as "Landowner", and _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids, water treatment residuals or other industrial sludges			
<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>	<u>Tax Parcel ID</u>

Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

Check one: The Landowner is the sole owner of the properties identified herein.
 The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

5. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
6. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply residuals as specified below, on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of permitted residuals for the purpose of determining compliance with regulatory requirements applicable to such application.

<u>Class B biosolids</u>	<u>Water treatment residuals</u>	<u>Food processing waste</u>	<u>Other industrial sludges</u>
<input type="checkbox"/> Yes <input type="checkbox"/> No			

Landowner – Printed Name, Title	Signature	Mailing Address
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Permittee:

_____, the Permittee, agrees to apply biosolids and/or industrial residuals on the Landowner's land in the manner authorized by the VPA Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with [§10.1-104.2 of the Code of Virginia](#).

The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

I reviewed the document(s) assigning signatory authority to the person signing for landowner above. I will make a copy of this document(s) available to DEQ for review upon request. (Do not check this box if the landowner signs this agreement)

Permittee – Authorized Representative Printed Name	Signature	Mailing Address
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Permittee: _____ County or City: _____
Landowner: _____

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

19. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.

20. Public Access

- a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
- b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
- c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.

21. Crop Restrictions:

- p. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
- q. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
- r. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
- s. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
- t. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).

22. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

- a. Meat producing livestock shall not be grazed for 30 days,
- b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
- c. Other animals shall be restricted from grazing for 30 days;

23. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;

24. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

Landowner's Signature

Date

OBSOLETE: VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM
SECTION C: LAND APPLICATION OF BULK BIOSOLIDS

LAND APPLICATION AGREEMENT - BIOSOLIDS

A. This land application agreement is made on _____ between _____ referred to here as "Landowner", and _____, referred to here as the "Permittee". This agreement remains in effect until it is terminated in writing by either party or, with respect to those parcels that are retained by the Landowner in the event of a sale of one or more parcels, until ownership of all parcels changes. If ownership of individual parcels identified in this agreement changes, those parcels for which ownership has changed will no longer be authorized to receive biosolids or industrial residuals under this agreement.

Landowner:

The Landowner is the owner of record of the real property located in _____, Virginia, which includes the agricultural, silvicultural or reclamation sites identified below in Table 1 and identified on the tax map(s) attached as Exhibit A.

Table 1.: Parcels authorized to receive biosolids
Table with 4 columns: Tax Parcel ID, Tax Parcel ID, Tax Parcel ID, Tax Parcel ID

Additional parcels containing Land Application Sites are identified on Supplement A (check if applicable)

- Check one:
- The Landowner is the sole owner of the properties identified herein.
- The Landowner is one of multiple owners of the properties identified herein.

In the event that the Landowner sells or transfers all or part of the property to which biosolids have been applied within 38 months of the latest date of biosolids application, the Landowner shall:

- 7. Notify the purchaser or transferee of the applicable public access and crop management restrictions no later than the date of the property transfer; and
8. Notify the Permittee of the sale within two weeks following property transfer.

The Landowner has no other agreements for land application on the fields identified herein. The Landowner will notify the Permittee immediately if conditions change such that the fields are no longer available to the Permittee for application or any part of this agreement becomes invalid or the information herein contained becomes incorrect.

The Landowner hereby grants permission to the Permittee to land apply biosolids on the agricultural sites identified above and in Exhibit A. The Landowner also grants permission for DEQ staff to conduct inspections on the land identified above, before, during or after land application of biosolids for the purpose of determining compliance with regulatory requirements applicable to such application.

Landowner - Printed Name, Title Signature Mailing Address

Permittee:

_____, the Permittee, agrees to apply biosolids on the Landowner's land in the manner authorized by the VPDES Permit Regulation and in amounts not to exceed the rates identified in the nutrient management plan prepared for each land application field by a person certified in accordance with §10.1-104.2 of the Code of Virginia.

The Permittee agrees to notify the Landowner or the Landowner's designee of the proposed schedule for land application and specifically prior to any particular application to the Landowner's land. Notice shall include the source of residuals to be applied.

I reviewed the documents assigning signatory authority to the person signing for landowner above. I will make a copy of this document available to DEQ for review upon request. (Do not check this box if the landowner signs this agreement)

Permittee - Authorized Representative Signature Mailing Address
Printed Name

VPDES SEWAGE SLUDGE PERMIT APPLICATION FORM**SECTION C: LAND APPLICATION OF BULK BIOSOLIDS****LAND APPLICATION AGREEMENT - BIOSOLIDS**

Permittee: _____ County or City: _____

Landowner: _____

Landowner Site Management Requirements:

I, the Landowner, I have received a DEQ Biosolids Fact Sheet that includes information regarding regulations governing the land application of biosolids, the components of biosolids and proper handling and land application of biosolids.

I have also been expressly advised by the Permittee that the site management requirements and site access restrictions identified below must be complied with after biosolids have been applied on my property in order to protect public health, and that I am responsible for the implementation of these practices.

I agree to implement the following site management practices at each site under my ownership following the land application of biosolids at the site:

1. Notification Signs: I will not remove any signs posted by the Permittee for the purpose of identifying my field as a biosolids land application site, unless requested by the Permittee, until at least 30 days after land application at that site is completed.
2. Public Access
 - a. Public access to land with a high potential for public exposure shall be restricted for at least one year following any application of biosolids.
 - b. Public access to land with a low potential for public exposure shall be restricted for at least 30 days following any application of biosolids. No biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
 - c. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by DEQ.
3. Crop Restrictions:
 - a. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids.
 - b. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil,
 - c. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation.
 - d. Other food crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
 - e. Feed crops shall not be harvested for 30 days after the application of biosolids (60 days if fed to lactating dairy animals).
4. Livestock Access Restrictions:

Following biosolids application to pasture or hayland sites:

 - a. Meat producing livestock shall not be grazed for 30 days,
 - b. Lactating dairy animals shall not be grazed for a minimum of 60 days.
 - c. Other animals shall be restricted from grazing for 30 days;
5. Supplemental commercial fertilizer or manure applications will be coordinated with the biosolids and industrial residuals applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia;
6. Tobacco, because it has been shown to accumulate cadmium, should not be grown on the Landowner's land for three years following the application of biosolids or industrial residuals which bear cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).

Landowner's Signature

Date

OBSOLETE: VIRGINIA POLLUTION ABATEMENT APPLICATION

FORM D

MUNICIPAL EFFLUENT AND BIOSOLIDS

PART D-VI BIOSOLIDS APPLICATION AGREEMENT

This biosolids application agreement is made on _____ between _____, referred to here as "landowner", and _____, referred to here as the "Permittee". Landowner is the owner of agricultural land shown on the map attached as Exhibit A and designated there as _____ ("landowner's land"). Permittee agrees to apply and landowner agrees to comply with certain permit requirements following application of biosolids on landowner's land in amounts and in a manner authorized by (VPA) (VPDES) permit number _____ which is held by the Permittee.

Landowner acknowledges that the appropriate application of biosolids will be beneficial in providing fertilizer and soil conditioning to the property and consents to the application of biosolids on his property. Moreover, landowner acknowledges having been expressly advised that, in order to protect public health:

1. Public access to landowner's land upon which biosolids have been applied should be controlled for at least 30 days following any application of biosolids and no biosolids amended soil shall be excavated or removed from the site during this same period of time unless adequate provisions are made to prevent public exposure to soil, dusts or aerosols;
2. Food crops with harvested parts that touch the biosolids/soil mixture and are totally above the land surface shall not be harvested for 14 months after the application of biosolids. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after the application of biosolids when the biosolids remain on the land surface for a time period of four (4) or more months prior to incorporation into the soil, or 38 months when the biosolids remain on the land surface for a time period of less than four (4) months prior to incorporation. Other food crops, feed crops and fiber crops shall not be harvested for 30 days after the application of biosolids;
3. Following biosolids application to pasture or hayland sites, meat producing livestock should not be grazed or fed chopped foliage for 30 days and lactating dairy animals should be similarly restricted for a minimum of 60 days. Other animals should be restricted from grazing for 30 days;
4. Supplemental commercial fertilizer or manure applications should be coordinated with the biosolids applications such that the total crop needs for nutrients are not exceeded as identified in the nutrient management plan developed by a person certified in accordance with §10.1-104.2 of the Code of Virginia to be supplied to the landowner by the permittee at the time of application of biosolids to a specific permitted site;
5. Tobacco, because it has been shown to accumulate cadmium, should not be grown on landowner's land for three years following the application of biosolids borne cadmium equal to or exceeding 0.45 pounds/acre (0.5 kilograms/hectare).
6. Turf grown on land where biosolids are applied shall not be harvested for one year after application of biosolids when the harvested turf is placed on either land with a high potential for public exposure or a lawn, unless otherwise specified by the permitting authority.

Permittee agrees to notify landowner or landowner designee of the proposed schedule for biosolids application and specifically prior to any particular application to landowner's land. This agreement may be terminated by either party upon written notice to the address specified below.

Landowner:

Permittee:

Mailing Address:

Mailing Address:

LETTER TO PERMITTEE – LOA NO LONGER VALID

[Regional Letterhead]

[Date]

[Permittee’s Name]

[Address]

RE: Virginia Pollution Abatement (VPA) Permit – VPA0XXXX
[Company Name - County]

Dear (Permittee’s Name):

We have received a permit application from (Permit Applicant Name) which includes land owned by (Landowner’s name) that has previously been authorized to receive biosolids under a VPA permit that you hold as referenced above. Attached to the permit application was a copy of the termination notice dated (date of notice) that Mr./Ms. (Landowner’s last name) provided to you. In accordance with 9-VAC-25-32-530.A, to provide *continued availability of the land and protection from improper concurrent use*, only one landowner agreement may be held for any field, therefore the landowner agreement that you hold with (Mr./Ms. Landowner’s last name) is no longer valid and the properties identified below may no longer receive biosolids under VPA Permit number VPA0XXXX.

The fields no longer authorized to receive biosolids are located in tax parcel(s) (tax parcel #'s). Individual fields were identified in the permit application as follows:

NOTE to P.W.: If all fields owned by the owner are affected, and the list is long, attach the entire list from the site booklet and tax parcels from the landowner agreement. OR you may say all fields in Tax Parcel XZY, etc.

If I may be of further assistance, please contact me at (XXX) XXX-XXXX or [e-mail address]@deq.virginia.gov.

Sincerely,

[Permit Writer]

LETTER TO PERMIT APPLICANT – LOA NOT VALID

[Regional Letterhead]

[Date]

[Applicant's Name]

[Address]

RE: Virginia Pollution Abatement (VPA) Permit Application
[Company Name - County]

Dear Applicant:

In reviewing the site booklets and landowner agreements submitted with your permit application, it was found that (all/some) of the fields identified in your permit application and on associated Land Application Agreement Forms(s) are currently covered by an agreement with another land applier and authorized to receive biosolids under an existing VPA (BUR) permit. In accordance with 9-VAC-25-32-530.A, to provide *continued availability of the land and protection from improper concurrent use*, only one landowner agreement may be held for any field, therefore the landowner agreement you hold with Mr./Ms. (Landowner’s last name) is not valid.

The fields affected are located in tax parcel(s) (tax parcel #'s). Individual fields were identified in the permit application as follows:

NOTE to P.W.: If all fields owned by the owner are affected, and the list is long, attach the entire list from the site booklet and tax parcels from the landowner agreement. OR you may say all fields in Tax Parcel XZY, etc.

In order to include these fields in the permit application the existing landowner agreement must be terminated in writing by the landowner and a new Land Application Agreement Form signed after the termination. If you wish to include these fields in your permit application, please submit a new Land Application Agreement Form(s) and copy of the termination notice the landowner(s) sent to the existing permit holder. The permit application will not be considered complete until these documents are submitted or you notify me that you do not wish to include these fields.

If I may be of further assistance, please contact me at (XXX) XXX-XXXX or [e-mail address]@deq.virginia.gov.

Sincerely,

[Permit Writer]

cc: land applier holding existing agreement